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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19 WAYMO LLC,  
20 Plaintiff,  
21 v.  
22 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
23 Defendants.  
24

Case No. 3:17-cv-00939-WHA

**CORRECTED DECLARATION OF  
DANIEL P. MUINO IN SUPPORT OF  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PORTIONS OF THEIR OPPOSITION  
TO PLAINTIFF WAYMO LLC'S  
MOTION FOR PRELIMINARY  
INJUNCTION, SUPPORTING  
DECLARATIONS, AND EXHIBITS  
THERETO**

Trial Date: October 2, 2017

1 I, Daniel P. Muino, declare as follows:

2       1. I am a partner at the law firm of Morrison & Foerster LLP. I am a member in  
3 good standing of the Bar of the State of California. I make this declaration based upon matters  
4 within my own personal knowledge and if called as a witness, I could and would competently  
5 testify to the matters set forth herein. I make this declaration in support of Defendants'  
6 Administrative Motion to File Under Seal Portions of Their Opposition to Plaintiff Waymo  
7 LLC's Motion For Preliminary Injunction, Supporting Declarations, and Exhibits Thereto.

8       2. The declarations of Paul McManamon ("McManamon Declaration"), Michael  
9 Lebby ("Lebby Declaration"), James Haslim ("Haslim Declaration"), Scott Boehmke ("Boehmke  
10 Declaration"), and Sameer Kshirsagar ("Kshirsagar Declaration"), and the Opposition to  
11 Plaintiff's Motion for Preliminary Injunction contain technical, proprietary trade secret  
12 information, which is highly confidential. If this information was made public, it could  
13 irreparably harm Defendants.

14       3. Specifically, the highlighted portions of the McManamon, Haslim, Lebby, and  
15 Boehmke Declarations and the Opposition to Plaintiff's Motion for Preliminary Injunction  
16 discuss Uber's proprietary and highly confidential designs for Uber's custom LiDAR system.  
17 The design of Uber's custom LiDAR system is an Uber trade secret which, if made public, would  
18 cause Uber irreparable harm in this very competitive space of autonomous driving.

19       4. All five Exhibits to the Haslim Declaration likewise contain highly confidential  
20 trade secret information. Exhibit A is an email that discusses how Uber's LiDAR system was  
21 derived, and Exhibits B-E are all designs or summaries describing how the system works.  
22 Exhibits A-P of the Boehmke Declaration likewise contain highly confidential trade secret  
23 information in the form of confidential schematics, summaries, presentations, and non-published  
24 patent applications that discuss Uber's custom LiDAR system.

25       5. The redacted portions of Exhibits 1 and 2 to the Kshirsagar Declaration contain  
26 highly confidential salary and compensation information. Uber guards this information closely  
27 and, if it were to be released to the public, its competitors could use it to Uber's detriment.

1        6. I understand that these trade secrets are maintained as confidential by Uber and are  
2 valuable as trade secrets to Uber's business. The public disclosure of this information would give  
3 Uber's competitors access to in-depth descriptions and analysis of Uber's LiDAR system and  
4 detailed salary information. If such information were made public, I understand Uber's  
5 competitive standing could be significantly harmed.

6        7. Some of the redacted portions of Defendants' Opposition, the Lebby,  
7 McManamon, Kshirsagar, and Faulkner Declarations, Exhibit 3 to the Lebby Declaration, and  
8 Exhibits 4,5, and 7 to the Chang Declaration have been designated by Waymo as either  
9 confidential or highly confidential. Waymo's designations are highlighted in green in the  
10 unredacted copies of the declarations. The entirety of Exhibit 3 to the Kshirsagar Declaration has  
11 been designated by Waymo as highly confidential.

12        8.      Uber’s request to seal is narrowly tailored to those portions of the Opposition and  
13 its supporting papers that merit sealing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 7th day of April, 2017, in Washington, D.C.

16

/s/ *Daniel P. Muino*

Daniel P. Muino

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## **ATTESTATION OF E-FILED SIGNATURE**

20 I, Arturo J. González, am the ECF User whose ID and password are being used to file this  
21 Declaration. In compliance with General Order 45, X.B., I hereby attest that Daniel P. Muino has  
22 concurred in this filing.

23 | Dated: April 7, 2017

/s/ Arturo J. González

Arturo J. González

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